

## REMARKS/ARGUMENTS

This amendment is submitted in response to the Final Office Action dated October 19, 2005. Claims 1-18 are currently pending in the present application. Reconsideration and allowance is respectfully requested in view of the amendments and the remarks below.

### **1. The Abstract**

The Examiner has objected to the abstract because it "should include that which is new in the art to which the invention pertains, and the Abstract should set forth a process for making and/or the use thereof are not obvious." The abstract has been amended to reflect the Applicant's instant invention. The Applicant respectfully submits that the amended abstract meets all requirements and requests notice to that effect.

### **2. The Rejections under 35 U.S.C. §103(a)**

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,757,679 to Fritz (hereinafter "Fritz"). The Applicant respectfully submits that a *prima facie* case of obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 265 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The subject-matter of independent claims 1 and 11 differ from the teachings of Fritz in that Fritz fails to disclose a method of controlling the creation of a user session, the processing of a log-on request by a user at a terminal, that the creation of the user session is halted when more than a maximum number of log-on requests are being processed, and that the maximum number of log-on requests is maintained as a variable in the multi-user computer system.

The Examiner has not demonstrated in any way that the feature identified in section 12 part b of the Final Office Action is obviously derivable from either Fritz or the common general knowledge in the field. Fritz teaches an implementation of a queue system in hardware. Since

the implementation of Fritz is a hardware implementation, none of the numbers  $n$  (the maximum number of possible requests),  $p$  (the number of requesters), and  $o$  (the maximum number of outstanding requests per requester at a given time) can be considered to be variables. In fact, each of these numbers are constants, determined by the hardware implementation.

If one assumes that a “requester” as known from Fritz can correspond to a log-on request (as the Examiner has done in section 4 of the Final Office Action: “that his requester is a log-on request from a user at a terminal”), then one would still not arrive at a method according to claim 1 of the present application. Fritz discloses that there is a maximum of  $p$  requesters, but not how the system reacts when it is desired to add another requester designated as, for example, “requester ( $p+1$ ).” There is no disclosure in Fritz of accepting a  $p+1$  requester, then halting the processing of requests from that requester, as presently claimed. Rather, in Fritz a  $p+1$  requester is not created or accepted at all. Fritz discloses a hardware implementation capable of handling only a fixed number “ $p$ ” of requesters. Therefore even if one were to accept that the requester taught by Fritz corresponded to a log-on request by a user in a multi-user computer system, Fritz still would not provide a teaching or suggestion of halting a user session when more than a maximum number, maintained as a variable in the multi-user computer system, of log-on requests, are being processed simultaneously.

Furthermore, the application of the queue system taught in Fritz, even where a request according to Fritz corresponds to a log-on request, would still not result in the claimed invention, nor would it be obvious. Fritz does not teach a method wherein there is a maximum number of requests, maintained as a variable, above which the processing of a request is halted. According to Fritz, the number  $n$  is not used as a criterion for halting the processing of requests. Instead, it follows from the requirement that the maximum number of outstanding requests per requester at a given time is limited. See column 2, lines 24-25. That is a different criterion than the one defined in the independent claims of the present application.

The number  $m$  is also not a maximum number in the context of the present invention. Even if one were to accept that the  $m$  resources available in Fritz’s system are equal (which is not disclosed or suggested), then Fritz fails to teach either maintaining this number  $m$  as a variable or using this number as a criterion for halting the processing of requests. Because Fritz does not describe how requests are allocated to one of the  $m$  queues, or that requests can change from one queue to another, there is no teaching or suggestion to distribute the requests equally

over the  $m$  queues. Thus, it is by no means inevitable that the processing of requests is halted when more than  $m$  requests are being processed. In fact, Fritz teaches away from distributing requests fairly over  $m$  queues for  $m$  equal resources, in that Fritz teaches that “no central logic is required to manage a queue situation”. See column 5, lines 1-3. Thus, according to Fritz, each queue operates independently of the other. Therefore,  $m$  cannot be a maximum number as defined in the independent claims of the present application.

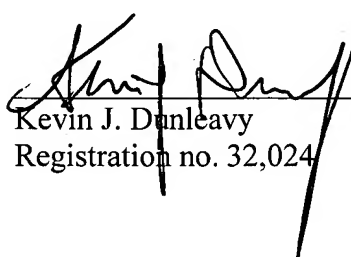
Apart from failing to demonstrate that an analogous application of the method according to Fritz could result in the present invention, the Final Office Action does not demonstrate in any way that Fritz offers a motivation, suggestion or incentive to adopt the electronic queues taught therein in a method of controlling the creation of a user session. Because Fritz teaches a hardware implementation of a queue system for implementation on a chip (see abstract), the skilled person setting out to make the invention that is the subject of the present application would not even look to Fritz for guidance as to how to regulate the number of user sessions based on a maximum number of sessions maintained as a variable. This is simply because a hardware implementation necessarily results in a fixed maximum number, as determined by the capacity of the hardware, and not a variable maximum number, as claimed.

For the above reasons, it is submitted that a *prima facie* case for obviousness has not been established since the limitations of the independent claims are not taught or suggested by Fritz. It is therefore submitted that claims 1-18 are in condition for allowance.

**3. Conclusion**

Reconsideration and allowance is respectfully requested in view of the remarks made above.

Respectfully submitted,



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